

WEDNESDAY, APRIL 12, 2000
SEVENTY-FIRST LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Mark Hubbard, Pioneer Community Church, McMinnville, Tennessee.

Representative Curtiss led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Cole (Carter); family illness.

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 2741: Rep(s). Bittle, Turner (Hamilton) and Buttry as prime sponsor(s).

House Bill No. 2887: Rep(s). Walker as prime sponsor(s).

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House Bill No. 3082: Rep(s). Pleasant, McDaniel, Stulce, Boyer, Dunn, Wood, Winningham, Bittle, Walker, Maddox and Fitzhugh as prime sponsor(s).

House Bill No. 3171: Rep(s). Ridgeway, McMillan, Bone, Westmoreland, Brooks, Windle, Maddox and Fitzhugh as prime sponsor(s).

ENROLLED BILLS

April 11, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2116, 2293, 2846; House Joint Resolution(s) No(s). 438, 570, 571, 572, 573, 574, 577, 578, 580; also, House Resolution(s) No(s). 187 and 188.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 11, 2000

The Speaker signed the following: House Bill(s) No(s). 2116, 2293, 2846; House Joint Resolution(s) No(s). 438, 570, 571, 572, 573, 574, 577, 578, 580; also, House Resolution(s) No(s). 187 and 188.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 11, 2000

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2116, 2293, 2846; also, House Joint Resolution(s) No(s). 438, 570, 571, 572, 573, 574, 577, 578 and 580; signed by the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

REPORT OF CHIEF ENGROSSING CLERK

April 11, 2000

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 438, 570, 571, 572, 573, 574, 577, 578 and 580.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

April 11, 2000

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2013, 2017, 2022, 2105, 2135, 2148, 2355, 2369, 2995, 3021, 3052, 3123, 3216; also, Senate Joint Resolution(s) No(s). 708, 709, 711, 712, 713, 714, 715, 716, 717, 718, 746 and 747 for the signature of the Speaker.

RUSSELL HUMPHREY, Acting Chief Clerk.

SIGNED
April 11, 2000

The Speaker signed the following: Senate Bill(s) No(s). 2013, 2017, 2022, 2105, 2135, 2148, 2355, 2369, 2995, 3021, 3052, 3123, 3216; also, Senate Joint Resolution(s) No(s). 708, 709, 711, 712, 713, 714, 715, 716, 717, 718, 746 and 747.

MESSAGE FROM THE GOVERNOR
April 12, 2000

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 1839, also, House Joint Resolution(s) No(s). 571; with his approval.

MICHELLE LONG, Counsel to the Governor.

PERSONAL ORDERS

RECOGNITION IN THE WELL

Rep. Jackson was recognized in the Well.

RULES SUSPENDED

Rep. Jackson moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 610 out of order, which motion prevailed.

House Joint Resolution No. 610 -- Memorials, Death - State Senator Kenneth N. "Pete" Springer. by *Jackson.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Jackson, with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Joint Resolution No. 605** -- Memorials, Government Officials - Urges department of transportation to study feasibility of construction of connector between I-24 and I-40 in Cheatham County. by *Williams (Williamson).

House Finance, Ways and Means Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 13, 2000:

House Resolution No. 194 -- Memorials, Sports - Cordova High School Junior Varsity Cheerleaders. by *Todd.

House Resolution No. 195 -- Memorials, Sports - Cordova High School Varsity Cheerleading Squad, Tennessee State Competition Champs. by *Todd.

House Resolution No. 196 -- Memorials, Sports - Freshman cheerleading squad, Cordova High School. by *Todd.

House Resolution No. 197 -- Memorials, Public Service - Mid-South Safe Kids Coalition, child injury prevention. by *Brooks.

House Resolution No. 198 -- Memorials, Recognition - Christ Church, 50th anniversary. by *Harwell.

House Resolution No. 199 -- Memorials, Personal Achievement - Ernestine Carpenter, Heart and Soul Ball. by *Cooper B.

House Joint Resolution No. 598 -- Memorials, Death - Billie G. Bush. by *Windle.

House Joint Resolution No. 608 -- Memorials, Recognition - Smokey Mountain Harmony Chorus of Sweet Adelines, Inc. by *Bittle.

House Joint Resolution No. 609 -- Memorials, Personal Occasion - Andrew Depp McDole, 2nd birthday. by *West, *Winningham.

House Joint Resolution No. 614 -- Memorials, Sports - Pickett County Junior High School girls' basketball team, James C. Haile Tournament champions. by *Winningham.

House Joint Resolution No. 615 -- Memorials, Sports - Pickett County Junior High School boys' basketball team, James C. Haile Tournament champions. by *Winningham.

House Joint Resolution No. 616 -- Memorials, Personal Occasion - Ray and JoAnn Shoemaker, 50th wedding anniversary. by *Winningham.

House Joint Resolution No. 617 -- Memorials, Personal Achievement - Matthew Horne, Eagle Scout. by *Winningham.

House Joint Resolution No. 618 -- Memorials, Personal Achievement - Jeremy Horne, Eagle Scout. by *Winningham.

House Joint Resolution No. 619 -- Memorials, Academic Achievement - Word of Faith Christian Academy, first graduating senior class. by *Kernell.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3315 -- Smithville - Subject to local approval, revises charter concerning age and salary of mayor; municipal powers; and rehiring or reappointment of employees and appointed officials. Amends Chapter 486 of the Private Acts of 1941; as amended. by *Buck.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 581 -- Bad Checks - Increases from \$10.00 to \$15.00 handling charges to be paid for writing bad checks. Amends TCA Title 40. by *Springer. (*HB128 by *Odom)

Senate Bill No. 1293 -- Contractors - Authorizes board of contractors to use line of credit for purposes of determining financial condition of applicant. Amends TCA Title 62, Chapter 6. by *Davis L. (*HB964 by *Head)

***Senate Bill No. 2064** -- Private Investigators - Exempts persons or companies who provide investigative services exclusively to and under supervision of attorneys from licensing requirements for private investigators and investigation companies. Amends TCA Section 62-26-223. by *Henry. (HB2112 by *Buck, *McMillan)

***Senate Bill No. 2093** -- Sunset Laws - Panel on health care facility penalties, June 30, 2004. Amends TCA Title 4, Chapter 29 and Title 68, Chapter 11. by *Springer. (HB2428 by *Kernell, *Garrett, *Brooks)

***Senate Bill No. 2381** -- Workers' Compensation - Changes date for triggering operation of direct assignment plan or of the competitive fund from 7/1/00 to 7/1/01; changes date for advisory council's report on assigned risk plan from 1/15/00 to 1/1/01. Amends TCA Title 38, Chapter 6; Title 50, Chapter 6; Title 50, Chapter 9; Title 50, Chapter 3; Title 56, Chapter 5 and Title 56, Chapter 47. by *Clabough. (HB2320 by *Kisber)

Senate Bill No. 3089 -- Insurance Companies, Agents, Brokers, Policies - Enacts "The Life Settlements Act." Amends TCA Title 48, Chapter 2, Part 1, and Title 56. by *Dixon. (*HB3016 by *Bowers)

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

House Bill No. 3313 -- Rutherford County -- Local Bill Held on House Desk

House Bill No. 3314 -- Loudon County -- Local Bill Held on House Desk

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 11, 2000**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar for April 12, 2000**: House Bill(s) No(s). 2741, 2329, 2887, 2890, 3250, 3163, 2388, 2306, 2259, 3220, 872 and 2378.

The Committee also set the following bill(s) on the **Regular Calendar for April 13, 2000**: House Bill(s) No(s). 2478, 2367, 2523, 3027, 2943 and 2460.

The Committee further reports that it set the following bill(s) and/or resolution(s) on the **Consent Calendar for April 13, 2000**: House Bill(s) No(s). 2159 and House Joint Resolution(s) No(s). 498.

CHILDREN AND FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2591 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

COMMERCE

The Commerce Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2112, 2470, 1192 and 2473 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2371, Senate Joint Resolution(s) No(s). 610, also House Bill(s) No(s). 2049 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2667 and 2574 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Resolution(s) No(s). 184, also House Bill(s) No(s). 2332 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2818, 2811, 2891, 3122, and House Joint Resolution(s) No(s). 575, also House Bill(s) No(s). 3016, 2896, 3019, 1967 and 3038 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2064, 2427, also House Bill(s) No(s). 2439 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

The Committee also recommended that House Bill(s) No(s). 3230 and 2816 be transmitted to the Commerce Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2361 and 2841 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 12, 2000**, reported the following:

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 3118, also House Bill(s) No(s). 3083, 2450, 128 and 643 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3267 and 2647 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The committee further reports that House Bill No. 1718 was considered, but failed to pass.

TRANSPORTATION

The Transportation Committee recommended for passage: House Bill(s) No(s). 2025 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2139; also House Bill(s) No(s). 2789 and 3107 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSENT CALENDAR

House Resolution No. 192 -- Memorials, Academic Achievement - Chestine S. Washington, Valedictorian, East High School. by *Brooks.

House Resolution No. 193 -- Memorials, Academic Achievement - Raymond D. Pulliam, Valedictorian, Melrose High School. by *Brooks.

House Joint Resolution No. 599 -- Memorials, Professional Achievement - Barbara McCamey, "Teacher of the Year," Hamblen County. by *Ford S.

House Joint Resolution No. 600 -- Memorials, Death - Jay D. Baumgardner, golf legend. by *Mumpower, *Godsey, *Davis (Washington).

House Joint Resolution No. 601 -- Memorials, Personal Achievement - Amanda Greene, Miss Food City 500. by *Mumpower.

House Joint Resolution No. 602 -- Memorials, Retirement - Dr. Lewis Edward Moore, Columbia State Community College. by *Sands.

House Joint Resolution No. 603 -- Naming and Designating - Tennessee State Employee Week, May 14-20, 2000. by *Hargrove.

House Joint Resolution No. 604 -- Naming and Designating - Stroke Awareness Month, May 2000. by *Hargrove.

Senate Joint Resolution No. 721 -- Memorials, Personal Occasion - Bart and Odessa Woolum, 50th wedding anniversary. by *Davis L.

Senate Joint Resolution No. 723 -- Memorials, Death - Patsy Meadows Williams. by *Rochelle.

Senate Joint Resolution No. 724 -- Memorials, Academic Achievement - Jonathon Winnett, Valedictorian, Trousdale High School. by *Rochelle.

Senate Joint Resolution No. 725 -- Memorials, Academic Achievement - Laurie Lynn Murray, Salutatorian, Trousdale High School. by *Rochelle.

Rep. Hargrove moved that all members voting aye on House Joint Resolution No. 603 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

REGULAR CALENDAR

***House Bill No. 3028** -- Insurance, Health, Accident - Abolishes required termination of extended state insurance coverage for surviving spouse of state employee killed in performance of duty when such surviving spouse becomes eligible for new insurance coverage through remarriage or employment. Amends TCA 8-27-208. by *Kent. (SB3100 by *Atchley)

Further consideration of House Bill No. 3028 previously considered on April 10, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Kent moved that **House Bill No. 3028** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2741 -- Local Government, General - Authorizes municipalities and counties to obtain fingerprint sample and criminal history information from persons applying for employment and have TBI and may have FBI verify accuracy; costs to be paid by requesting government which may require reimbursement from person who accepts position. Amends TCA Title 5, Chapter 1, Part 1 and Title 6, Chapter 54, Part 1. by *Kisber. (*SB2557 by *Cooper)

Rep. Kisber requested that House Bill No. 2741 be moved to the heel of the Calendar.

House Bill No. 2329 -- Highway Signs - Deletes weigh stations from places named on Music Highway; renames rest areas on I-40. Amends Chapter 464 of the Public Acts of 1999. by *Kisber. (*SB2121 by *Cohen)

On motion, House Bill No. 2329 was made to conform with **Senate Bill No. 2121**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that **Senate Bill No. 2121** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2887 -- Cooperatives - Authorizes nonprofit cooperative membership corporations to provide telecommunications services; establishes certain restrictions and requirements. Amends TCA Title 65, Chapter 25. by *Rinks. (*SB2251 by *Rochelle)

On motion, House Bill No. 2887 was made to conform with **Senate Bill No. 2251**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 2251 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rinks moved that **Senate Bill No. 2251** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cooke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2890 -- Highways, Roads and Bridges - Increases maximum allowable width of houseboats from 16 feet to 18 feet for transportation on highways. Amends TCA Title 55. by *Rinks. (*SB2722 by *Haun)

On motion, House Bill No. 2890 was made to conform with **Senate Bill No. 2722**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 2722 be passed on third and final consideration.

On motion, Rep. Robinson withdrew Transportation Committee Amendment No. 1.

Rep. Rinks moved that **Senate Bill No. 2722** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 3250 -- Public Records - Enacts "Tennessee Electronic Commerce Act of 2000." Amends TCA Title 5. by *Bowers, *DeBerry L, *Tindell. (*SB2430 by *Dixon)

Rep. Bowers moved that House Bill No. 3250 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3250 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 5, is amended to add the following Chapter 24:

Chapter 24

Electronic Commerce Act

Section 5-24-101. Short Title. This part shall be known as the Tennessee Electronic Commerce Act.

Section 5-24-102. Purpose and Intent. It is the purpose and intent of the general assembly by this chapter to authorize all county officers and public officials, including, but not limited to, those offices enumerated under Title 8, Chapter 21 to conduct business transactions by electronic means.

Section 5-24-103. Authorization. (a) All county officers and public officials, including, but not limited to those offices enumerated under Title 8, Chapter 21 are authorized to:

- (1) Conduct business transactions by electronic means;
- and

(2) Determine whether, and the extent to which they will send and accept electronic records and electronic signatures to and from other persons and otherwise create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

Section 5-24-104. (a) Any county officer or public official implementing an electronic business system that provides for the sending and receiving of electronic records that contain electronic signatures and or authorizations shall file a statement with the comptroller of the treasury at least thirty (30) days prior to offering such service. The statement shall contain the following information:

(1) a description of the computer hardware and software to be utilized;

(2) a description of the policies and procedures related to the implementation of the system;

(3) documentation of the internal controls that will ensure the integrity of the system;

(4) a description of the county officer's or public official's personnel who will be responsible for the implementation of the system;

(5) a description of the types of records and transactions to be electronically communicated as well as a description of the transaction and or record authorization process including a description of any electronic signatures to be used;

(6) the estimated cost of the system including development and implementation costs and;

(7) the expected benefits and/or the estimated cost savings, if any, of conducting business by electronic means.

(b) A county officer or public official that implements an electronic business system shall provide to the comptroller of the treasury a post implementation review of the system between twelve (12) and eighteen (18) months after the date a statement described in this section has been filed with the comptroller. The review shall include:

(1) an assessment of the system by the county officer or public official;

(2) responses from a survey of users of the system; and

(3) any recommendations for improvements to the electronic business system.

(c) In addition to current law governing the maintaining of public documents, the following standards must be met:

(1) Electronic records are available for public inspection, unless it is a confidential record according to law;

(2) Due care is taken to maintain an electronic record as public information during the time required by law for retention;

(3) Electronic records are copied no less frequently than daily to computer storage media. Current backups of electronic records shall be stored at a location other than the building where the original data is maintained and;

(4) The official can provide a paper copy of electronic records when needed or when requested by a member of the public.

Section 5-24-105. (a) Nothing in this chapter shall be construed to require any county officer or public official to create, store, transmit, accept, or otherwise use, communicate, or conduct business by electronic means.

(b) This chapter shall not operate to rescind or repeal any other provisions of law relative to public records or electronic access previously adopted and enacted into law.

(c) Nothing in this act shall prohibit political subdivisions other than those specified in this act from engaging in business transactions by electronic means.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Judiciary Committee Amendment No. 1 was adopted.

Rep. Bowers moved that **House Bill No. 3250**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 3163** -- Custody and Support - Adds three items to parental bill of rights for divorce order: 48 hours notice of certain extra-curricular activities; itinerary and telephone number for emergencies for out-of-state trips over two days; and reasonable, non-interfering access to child for lunch and other activities. Amends TCA Title 36, Chapter 6, Part 1. by *Maddox. (SB3247 by *Herron)

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Maddox moved that **House Bill No. 3163** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

***House Bill No. 2388** -- Health - Revises Tennessee Cancer Reporting System Act. Amends TCA Title 68, Chapter 1, Part 10. by *Eckles, *Walley, *Caldwell. (SB2891 by *Person)

Rep. Eckles moved that House Bill No. 2388 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2388 by deleting Section 8 in its entirety and by substituting instead the following as a new Section 8.

Section 8. Tennessee Code Annotated, Section 68-1-1004, is amended by deleting the words and punctuation "and other specified precancerous and tumorous diseases," from subsection (a) and is further amended by adding the following words and punctuation between the word "regulations" and the word "as" in subsection (b):

, including public necessity rules,

Rep. Hargett moved the previous question on Amendment No. 1, which motion prevailed.

On motion, Health and Human Resources Committee Amendment No. 1 was adopted.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2388 By deleting the second and third sentences of Section 7(g).

On motion, Health and Human Resources Committee Amendment No. 2 was adopted.

Rep. Eckles moved that **House Bill No. 2388**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2306 -- Gas, Petroleum Products, Volatile Oils - Authorizes intrastate natural gas pipeline corporation acting under pilot project created in 1999, to utilize right of way along state highway for installation of pipelines or other facilities whether delivery is characterized as being through transmission or distribution line; ensures contractual arrangements and right to transport gas remain whether pilot project is extended or not extended. Amends TCA Section 65-28-103. by *Curtiss, *Tindell, *Armstrong, *Towns, *Hagood, *Boyer, *Cole (Carter), *Westmoreland. (*SB2329 by *Haynes, *Cooper, *Dixon, *Ford J)

Rep. Curtiss moved that House Bill No. 2306 be reset for the Regular Calendar on May 4, 2000, which motion prevailed.

***House Bill No. 2259** -- Highway Signs - "Bartlett Performing Arts and Conference Center," I-40 in Shelby County. by *Hargett, *Pleasant. (SB2898 by *Person, *Williams, *Leatherwood)

On motion, House Bill No. 2259 was made to conform with **Senate Bill No. 2898**; the Senate Bill was substituted for the House Bill.

Rep. Hargett moved that Senate Bill No. 2898 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2898 By adding the following new, appropriately designated section immediately preceding the effective date section:

SECTION ____ This act shall become operative only if the City of Bartlett, Tennessee, remits the estimated cost of the erection of such signs to the department of transportation within one (1) year of the effective date of this act. The City of Bartlett shall make such payment prior to any expenditure by the state for manufacture or installation of such signs. The department shall return any unused portion of the estimated cost to the City of Bartlett within thirty (30) days of the erection of such signs. If the actual cost exceeds the estimated cost, the City of Bartlett shall remit an amount equal to the difference in such costs to the department within thirty (30) days of receiving an itemized invoice of the actual cost from the department.

On motion, Transportation Committee Amendment No. 1 was adopted.

Rep. Hargett moved that **Senate Bill No. 2898**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	98
Noes	0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 3220** -- Insurance, Health, Accident - Prohibits certain entities and employers from marketing, selling or giving away certain information regarding employees, enrollees or insureds; Class C misdemeanor; civil penalties and attorney fees provided Amends TCA Title 50 and Title 56. by *Caldwell. (SB3219 by *McNally)

Rep. Caldwell moved that House Bill No. 3220 be reset for the Regular Calendar on May 4, 2000, which motion prevailed.

***House Bill No. 872** -- Public Buildings - Establishes that public building authorities shall not be considered to be instrumentalities of local government for purposes of conflict of interest requirements related to competitive bid processes. Amends TCA Title 12, Chapter 10, Part 1. by *Kerr. (SB1139 by *Clabough)

Rep. Kerr moved that House Bill No. 872 be reset for the Regular Calendar on May 8, 2000, which motion prevailed.

WEDNESDAY, APRIL 12, 2000 – SEVENTY-FIRST LEGISLATIVE DAY

***House Bill No. 2378** -- Pharmacy, Pharmacists - Allows pharmacists to perform laboratory tests under certain circumstances. Amends TCA Section 63-10-404. by *Rhinehart. (SB2768 by *McNally)

Rep. Rhinehart moved that House Bill No. 2378 be reset for the Regular Calendar on April 19, 2000, which motion prevailed.

***House Bill No. 3082** -- Insurance, Health, Accident - Permits ten or more employers of same trade or professional association who meet certain requirements to enter into agreement to pool liabilities to qualify as self-insurers; authorizes commissioner of commerce and insurance to promulgate necessary rules and regulations. Amends TCA Title 56, Chapter 26. by *Rhinehart, *Head, *Cole (Dyer), *Cole (Carter), *McKee, *Phelan, *Curtiss, *Turner (Hamilton), *Hassell, *Gunnels, *Kent, *Scroggs, *Sands, *Briley, *Jones U (Shelby), *McMillan, *Towns, *Buck, *Turner (Shelby), *Jones, S., *Buttry, *Lewis, *Arriola, *Ferguson, *Pruitt, *Langster. (SB3158 by *Rochelle, *Cooper, *Elsea, *Carter, *Crutchfield, *Henry, *Graves, *Burchett, *Burks, *Atchley, *Haynes, *Ford J, *Williams, *Springer)

Further consideration of House Bill No. 3082 previously considered on April 10, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

On motion, House Bill No. 3082 was made to conform with **Senate Bill No. 3158**; the Senate Bill was substituted for the House Bill.

Rep. Rhinehart moved that Senate Bill No. 3158 be passed on third and final consideration.

BILL RE-REFERRED

Rep. Kisber moved that Senate Bill No. 3158 be re-referred to the House Finance, Ways and Means Committee, which motion prevailed.

REGULAR CALENDAR, CONTINUED

House Bill No. 3171 -- Insurance, Health, Accident - Permit retirees and their dependents to elect to be in supplemental medical insurance program or in applicable group insurance program as supplemental medical insurance program to Medicare. Amends TCA Title 8, Chapter 27, Part 7. by *Rhinehart, *Jones, S., *Langster. (*SB2731 by *Rochelle)

Further consideration of House Bill No. 3171 previously considered on April 10, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Rhinehart moved that House Bill No. 3171 be passed on third and final consideration.

Rep. Ridgeway moved the previous question, which motion prevailed.

Rep. Rhinehart moved that **House Bill No. 3171** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2713** -- County Government - Provides that county conservation board may not be created in any county in which county legislative body has elected to operate and maintain its parks and recreation facilities pursuant to one of the alternatives set forth in TCA 11-24-103. Amends TCA Title 11, Chapter 24 and Title 11, Chapter 21. by *Walley. (SB3251 by *Wilder)

Further consideration of House Bill No. 2713 previously considered on April 10, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

Rep. Walley moved that **House Bill No. 2713** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 3308 -- Pulaski - Subject to local approval, authorizes qualified voters and residents of Giles County who own property in the city to vote in municipal elections except for issuance of bonds. Amends Chapter 711 of the Private Acts of 1949. by *Fowlkes. (SB3287 by *Cooper)

Further consideration of House Bill No. 3308 previously considered on April 10, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. Fowlkes moved that **House Bill No. 3308** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	89
Noes	6
Present and not voting	2

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Boyer, Briley, Buck, Bunch, Buttry, Caldwell, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Kent, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 89.

Representatives voting no were: Bowers, Brooks, Brown, Jones U., Miller, Turner (Shelby) -- 6.

Representatives present and not voting were: Chumney, Kernell -- 2.

A motion to reconsider was tabled.

WEDNESDAY, APRIL 12, 2000 – SEVENTY-FIRST LEGISLATIVE DAY

House Bill No. 3310 -- Hohenwald - Subject to local approval, rewrites charter provisions for non-resident voting qualifications, purchasing and bidding requirements and residency requirements for certain department heads. Amends Chapter 308 of the Private Acts of 1923; as amended. by *White. (SB3292 by *Springer)

Further consideration of House Bill No. 3310 previously considered on April 10, 2000, at which time it was objected to on the Consent Calendar and reset for today's Regular Calendar.

Rep. White moved that House Bill No. 3310 be passed on third and final consideration.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. White moved that **House Bill No. 3310** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	79
Noes	12
Present and not voting	2

Representatives voting aye were: Baird, Beavers, Bittle, Black, Bone, Boyer, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Curtiss, Davidson, Davis (Cocke), Davis (Washington), Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Kent, Kerr, Kisber, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Montgomery, Mumpower, Newton, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Turner (Hamilton), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 79.

Representatives voting no were: Armstrong, Bowers, Brooks, Brown, Cooper, DeBerry L., Jones U., Kernell, Miller, Pruitt, Towns, Turner (Shelby) -- 12.

Representatives present and not voting were: Arriola, Briley -- 2.

A motion to reconsider was tabled.

House Bill No. 2741 -- Local Government, General - Authorizes municipalities and counties to obtain fingerprint sample and criminal history information from persons applying for employment and have TBI and may have FBI verify accuracy; costs to be paid by requesting government which may require reimbursement from person who accepts position. Amends TCA Title 5, Chapter 1, Part 1 and Title 6, Chapter 54, Part 1. by *Kisber. (*SB2557 by *Cooper)

Further consideration of House Bill No. 2741 previously considered on today's Calendar.

On motion, House Bill No. 2741 was made to conform with **Senate Bill No. 2557**; the Senate Bill was substituted for the House Bill.

Rep. Kisber moved that Senate Bill No. 2557 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 2557 by deleting the language and punctuation "A municipality may require all persons prior to employment to:" in subsection (a) of the amendatory language of SECTION 1 and by substituting instead the following language:

"A municipality may require all persons prior to employment with such municipality to:"

AND FURTHER AMEND by deleting the language and punctuation "A county may require all persons prior to employment to:" in subsection (a) of the amendatory language of SECTION 2 and by substituting instead the following language:

"A county may require all persons prior to employment with such county to:"

AND FURTHER AMEND by deleting subsection (c) of the amendatory language of SECTION 1 and substituting instead the following:

(c) A municipality may establish the job titles or classifications to which the requirements of this section apply; provided, however, such classifications shall not supersede any mandatory fingerprint-based criminal history background requirements which may be applicable for any person who is seeking employment in a position in any program subject to licensure, approval or certification by any state agency.

AND FURTHER AMEND by deleting subsection (c) of the amendatory language of SECTION 2 and substituting instead the following:

(c) A county may establish the job titles or classifications to which the requirements of this section apply; provided, however, such classifications shall not supersede any mandatory fingerprint-based criminal history background requirements which may be applicable for any person who is seeking employment in a position in any program subject to licensure, approval or certification by any state agency.

On motion, Amendment No. 2 was adopted.

Rep. Kisber moved that **Senate Bill No. 2557**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

MESSAGE CALENDAR

HOUSE ACTION ON SENATE AMENDMENTS

***House Joint Resolution No. 2** -- Constitutional Amendments - Empowers general assembly to authorize state lottery for state purposes only and no other purpose; net proceeds to be allocated solely to scholarship fund established and implemented by general assembly for tuition costs for Tennessee residents at Tennessee post-secondary institutions. by *Newton, *Williams (Williamson), *Kernell, *Towns.

Further consideration of House Joint Resolution No. 2 previously considered on April 10, 2000, at which time it was reset for today's Message Calendar.

The Clerk read House Joint Resolution No 2, as amended:

Senate Amendment No. 1

AMEND House Joint Resolution No. 2 by deleting all language of the resolution after the caption and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that the period (.) at the end of Article XI, Section 5, of the Constitution of Tennessee be changed to a comma (,) and the following new language be added:

except that the legislature may authorize a state lottery if the net proceeds of the lottery's revenues are allocated to tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend public and private colleges and universities located within this state. The excess after such allocations from such net proceeds from the lottery would be appropriated to:

- 1) Capital outlay projects for K-12 educational facilities;
and
- 2) Early learning programs and after school programs.

Such appropriation of funds to support improvements and enhancements for educational programs and purposes and such net proceeds shall be used to supplement, not supplant, non-lottery educational resources for educational programs and purposes.

All other forms of lottery not authorized herein are expressly prohibited unless authorized by a two-thirds vote of all members elected to each house of the general assembly for an annual event operated for the benefit of a 501(c)(3) organization located in this state, as defined by the 1999 United States Tax Code or as may be amended from time to time.

A state lottery means a lottery of the type such as is in operation in Georgia, Kentucky and Virginia in 1999, and that the amendment to Article XI, Section 5 of the Constitution of the State of Tennessee provided for herein does not authorize games of chance associated with casinos, including, but not limited to, slot machines, roulette wheels, and the like.

BE IT FURTHER RESOLVED, That the foregoing be referred to the One Hundred Second General Assembly and that this resolution proposing such amendment be published by the Secretary of State in accordance with Article XI, Section 3 of the Constitution of Tennessee.

Senate Amendment No. 2

AMEND House Joint Resolution No. 2 by deleting the first resolving clause thereof and substituting the following:

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED FIRST GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, That a majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that the period (.) at the end of Article XI, Section 5, of the Constitution of Tennessee be changed to a comma (,) and the following new language be added:

except that the legislature may authorize a state lottery if the net proceeds of the lottery's revenues are allocated to provide financial assistance to citizens of this state to enable such citizens to attend post-secondary educational institutions located within this state. The excess after such allocations from such net proceeds from the lottery would be appropriated to:

- (1) Capital outlay projects for K-12 educational facilities;
and

(2) Early learning programs and after school programs.

Such appropriation of funds to support improvements and enhancements for educational programs and purposes and such net proceeds shall be used to supplement, not supplant, non-lottery educational resources for educational programs and purposes.

All other forms of lottery not authorized herein are expressly prohibited unless authorized by a two-thirds vote of all members elected to each house of the general assembly for an annual event operated for the benefit of a 501(c)(3) organization located in this state, as defined by the 2000 United States Tax Code or as may be amended from time to time.

A state lottery means a lottery of the type such as in operation in Georgia, Kentucky and Virginia in 2000, and the amendment to Article XI, Section 5 of the Constitution of the State of Tennessee provided for herein does not authorize games of chance associated with casinos, including, but not limited to, slot machines, roulette wheels, and the like.

The state lottery authorized in this section shall be implemented and administered uniformly throughout the state in such manner as the legislature, by general law, deems appropriate.

Rep. Newton moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Joint Resolution No. 2

Rep. McKee moved the previous question, which motion prevailed.

Rep. Newton moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to **House Joint Resolution No. 2**, which motion prevailed by the following vote:

Ayes.....	70
Noes	20

Representatives voting aye were: Armstrong, Arriola, Bone, Bowers, Boyer, Briley, Brown, Buck, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry L., Eckles, Ferguson, Fraley, Garrett, Godsey, Gunnels, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kernell, Kisber, Langster, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Newton, Odom, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Robinson, Sands, Sargent, Scroggs, Stulce, Tidwell, Todd, Turner (Hamilton), Turner (Shelby), Walker, West, Westmoreland, White, Williams, Windle, Winningham, Mr. Speaker Naifeh -- 70.

Representatives voting no were: Baird, Beavers, Bittle, Black, Bunch, Dunn, Fitzhugh, Ford, Fowlkes, Givens, Goins, Hagood, Kerr, Maddox, Mumpower, Patton, Phillips, Sharp, Walley, Wood -- 20.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MOTION TO RECONSIDER

Rep. Kisber moved to that the House reconsider its action in re-referring Senate Bill No. 3158 to the House Finance, Ways and Means Committee, which motion prevailed.

Rep. Kisber moved that Senate Bill No. 3158 be held on the Clerk's desk, which motion prevailed.

RULES SUSPENDED

Rep. Stulce moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 611 out of order, which motion prevailed.

House Joint Resolution No. 611 -- Memorials, Interns - Rachelle Caheely. by *Stulce.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Stulce, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Ridgeway moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 606 out of order, which motion prevailed.

House Joint Resolution No. 606 -- Memorials, Public Service - Steve McAdams. by *Ridgeway.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Ridgeway, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Ridgeway moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 607 out of order, which motion prevailed.

House Joint Resolution No. 607 -- Memorials, Public Service - Dwayne Baldwin, Paris/Henry County Jaycees. by *Ridgeway.

On motion, the rules were suspended for the immediate consideration of the resolution.

WEDNESDAY, APRIL 12, 2000 – SEVENTY-FIRST LEGISLATIVE DAY

On motion of Rep. Ridgeway, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 744 out of order, which motion prevailed.

Rep. Hargrove moved concurrence of Senate Joint Resolution No. 744.

***Senate Joint Resolution No. 744** -- General Assembly, Recess & Reconvene - Provides for a recess in the proceedings of the senate from April 13, 2000 to May 1, 2000. by *Crutchfield, *Atchley.

Rep. Hargrove moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 744 By deleting the language "Senate of the" in the caption.

AND FURTHER AMEND BY deleting the word "Senate" in the first resolving clause and by substituting instead the language "General Assembly".

AND FURTHER AMEND BY inserting the language "in both houses" between the words "business" and "on" in the first resolving clause.

On motion, Amendment No. 1 was adopted.

On motion of Rep. Hargrove, the Senate Joint Resolution No. 744, as amended, was concurred in.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 612 out of order, which motion prevailed.

House Joint Resolution No. 612 -- Memorials, Public Service - Gay Shepherd, Love Community Service Award recipient. by *Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 613 out of order, which motion prevailed.

House Joint Resolution No. 613 -- Memorials, Public Service - Anna LaBar, Love Community Service Award recipient. by *Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

BILL RECALL

Rep. Armstrong requested that Senate Bill No. 3035 be recalled from the Senate, which motion prevailed.

BILLS WITHDRAWN

On motion of Rep. Patton, **House Bill No. 2204** was recalled from the Commerce Committee and withdrawn from the House.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 13, 2000:

House Bill No. 1542: by Rep. Scroggs

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Joint Resolution No. 489: Rep(s). Bittle, Boyer, Langster, Bone, Williams, Sands, Turner (Hamilton), Windle Robinson, Hagood, Brown, J. DeBerry, Walley, Davidson, McMillan, White, Garrett, Ferguson, Ridgeway, Phillips, Armstrong, Towns, Briley, Bowers, Miller, Maddox, Dunn, Montgomery, Patton, Sargent, Godsey and Fraley as prime sponsor(s).

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House Bill No. 2361: Rep(s). Sands, Brooks, Ridgeway, West, U. Jones, Hood, Curtiss, Winningham, Fowlkes, Stulce, Hargett, Kisber, Robinson, Fraley, Maddox, Phillips, S. Jones, Newton, Sharp, Pruitt, Langster, Caldwell, Bone, Eckles, White, Odom, Miller, McDonald, Williams, McMillan, Turner (Hamilton), Baird, Towns, McDaniel, Scroggs, J. DeBerry, Boyer, Beavers, Chumney, Davidson, Bunch, Pinion, Kerr, Bittle, Ferguson, Black, Head, Rhinehart, Hassell, Garrett, Turner (Shelby), Wood, McCord, Tidwell, Gunnels, Patton, Ford, Walker, Sargent, Armstrong, Brown, Fitzhugh, Montgomery, Davis (Washington), Harwell, McKee, Cole (Dyer) and Phelan as prime sponsor(s).

House Bill No. 2481: Rep(s). Kisber as prime sponsor(s).

House Bill No. 2482: Rep(s). Kisber as prime sponsor(s).

House Bill No. 2591: Rep(s). Goins as prime sponsor(s).

House Bill No. 2780: Rep(s). L. DeBerry as prime sponsor(s).

House Bill No. 2841: Rep(s). Armstrong as prime sponsor(s).

House Bill No. 3165: Rep(s). Head as prime sponsor(s).

ENGROSSED BILLS

April 12, 2000

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2388, 2713, 3028, 3163, 3171, 3250, 3308, 3310, also, House Joint Resolution(s) No(s) 599, 600, 601, 602, 603, 604 and 610.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

April 12, 2000

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 606, 607, 611, 612 and 613.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 12, 2000

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 283; House Joint Resolution(s) No(s). 87; also, House Resolution(s) No(s). 192 and 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED
April 12, 2000

The Speaker signed the following: House Bill(s) No(s). 283; House Joint Resolution(s) No(s). 87; also, House Resolution(s) No(s). 192 and 193.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

RECESS MOTION

On motion of Rep. Hargrove, the House stood in recess until 9:00 a.m., Thursday, April 13, 2000.